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Law and Parliamentary Affairs Secretariat

Notification No. LAW 25 LGN 78.

Bangalore, dated 28th September 1978.

Ordered that the **Karnataka Municipal Corporations (Amendment) Act, 1978** which received the assent of the Governor on the Twenty-Seventh day of September 1978 be published as Karnataka Act No. 24 of 1978 in the *Karnataka Gazette*, for general information.

KARNATAKA ACT No. 24 OF 1978.

(*First published in the* Karnataka Gazette *Extraordinary on the Twenty-ninth day of September, 1978*).

THE KARNATAKA MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1978.

(*Received the assent of the Governor on the Twenty-seventh day of September, 1978*).

An Act to amend the Karnataka Municipal Corporations Act, 1976.

Whereas it is expedient to amend the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) for the purposes hereinafter appearing ;

Be it enacted by the Karnataka State Legislature in the Twenty-ninth Year of the Republic of India as follows:-

1. Short title and commencement.—(1) This Act may be called the Karnataka Municipal Corporations (Amendment) Act, 1978.

(2) This section, sections 2, 3, 4, 5, 6, 7, 8, 9 and 12 shall come into force at once. Sections 10 and 11 shall be deemed to have come into force on the first day of June 1977.

2. Amendment of section 7.—In section 7 of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) (hereinafter referred to as the principal Act),—

(1) in sub-section (2),—

(a) for the words "women and labourers" the words "and women" shall be substituted ;

(b) in clause (b), for the words "and labourers of industrial establishment located in the city shall be, four

and two respectively" the words "shall be four" shall be substituted ;

(2) in sub-section (5), for the words " or women and labourers" the words "and women" shall be substituted.

3. Amendment of section 21.—In sub-section (1) of section 21 of the principal Act,—

(1) in clause (b) for the words "three or more" the words "one or more" shall be substituted ;

(2) in clause (c), for the words "women and Labourers" the words "and women" shall be substituted.

4. Amendment of section 22.—In section 22 of the principal Act,—

(1) the words "or the category of reserved seats" shall be omitted ,

(2) the proviso shall be omitted.

5. Amendment of section 23.—In section 23 of the principal Act,—

(1) in sub-section (1), for the words, bracket, figure "Subject to the provisions of sub-section (2), the electoral roll" the words "The electoral roll" shall be substituted ;

(2) sub-section (2) shall be omitted.

6. Amendment of section 25.—In section 25 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) No person shall be qualified for election as a councillor unless his name is included in the electoral roll of any division of the city and in respect of any seats reserved for the Scheduled Castes or the Scheduled Tribes or women such person is a member of any such Caste or Tribe or is a woman as the case may be".

(2) in sub-section (2), for the words "city and no member of the State Legislature" the words "city, and no person who is" shall be substituted.

7. Amendment of section 55.—In clause (g) of sub-section (1) of section 55 of the principal Act, the words "or labourers" shall be omitted.

8. Amendment of section 88.—In section 88 of the principal Act, in the proviso to sub-section (3), for the words "three hundred and fifty" the words "nine hundred" shall be substituted.

9. Amendment of section 112.—In section 112 of the principal Act, in sub-section (1), for the proviso to clause (a), the following provisos shall be substituted, namely :—

"Provided that the property tax due in respect of premises owned by the Government and occupied by any person on payment of rent. shall be payable by the Government :

Provided further that no property tax shall be payable in respect of premises owned by the Corporation and occupied by any person on payment of rent"

10. Amendment of section 503.—In section 503 of the principal Act, in sub-section (3), after clause (c), the following clause shall be inserted, namely :—

"(cc) Where, under the provisions of section 315 or section 316 of the Karnataka Municipalities Act, 1964 either an administrator or an officer has been appointed, to exercise the powers and perform the duties of the Municipal Council, then, such administrator or officer shall be deemed to be an Administrator appointed under section 99 for a period of one year. The Government may, if in its opinion it is necessary so to do, curtail the said period or extend the same under section 101. The advisory

council, if any, appointed to advise and assist the administrator appointed under section 315 of the Karnataka Municipalities Act, 1964 shall be deemed to be an Advisory Committee appointed under sub-section (6) of section 99 ;''.

11. Amendment of section 506—In section 506 of the principal Act, in sub-section (1), after clause (iv), the following clauses shall be inserted namely :—

"(v) Where, under the provisions of the City of Bangalore Municipal Corporation Act, 1949 or the Bombay Provincial Municipal Corporation Act, 1949 either an Administrator or a person has been appointed to exercise the powers and perform the duties of the Corporation, and the Standing Committees and other Committees, then, such administrator or person shall be deemed to be an Administrator appointed under section 99 for a period of one year. The Government may, if in its opinion it is necessary so to do, extend the said period under section 101.

(vi) all officers and servants in the employment of the Corporation of the City of Bangalore and the Hubli-Dharwar Corporation, immediately before the commencement of this Act, shall become officers and servants of the respective Corporations under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled to immediately before such date :

Provided that it shall be competent to the respective Corporations, subject to the previous sanction of the Government, to discontinue the services of any officer or servant, who, in its opinion, is not necessary or suitable for the requirements of the service under it after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are dispensed with shall be entitled to such leave, pension, provident fund and gratuity as he

would have been entitled to take or receive on being invalidated out of service, as if the Corporation, in the employ of which he was, had not ceased to exist".

12. Validation.--Notwithstanding anything contained in any law, judgment, decree or order of any court or any other authority an Administrator appointed under the Acts repealed by section 507 of the principal Act or under the Karnataka Mùnicipalities Act 1964 and continued after the coming into force of this Act or after the conversion of a City Municipality into a City under this Act, as the case may be shall be deemed to have been continued and appointed in accordance with the provisions of the principal Act as amended by this Act and accordingly, any order issued, anything done or any proceeding or action taken or purported to be issued, done or taken by such Administrator shall for all purposes be deemed to be and to have always been issued, done or taken in accordance with the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Draftsman and Ex-Officio
Additional Secretary to Government,
Department of Law and Parliamentary Affairs.

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